



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

# License for Diversion and Use of Water

LICENSE **2863**

PERMIT **5795**

APPLICATION **10160**

THIS IS TO CERTIFY, That **United-States Tahoe National Forest  
Nevada City, California,**

**as of August 20, 1943 (the date of  
inspection)**

**has made proof to the satisfaction of the Division**

**of Water Resources of California of a right to the use of the waters of **DMerry Springs** in  
Nevada County**

**tributary of **Eastern Canyon thence South Fork of Yuba River****

**for the purpose of **stock watering use****

**under Permit **5795** of the Division of Water Resources and that said right to the use of said waters has  
been perfected in accordance with the laws of California the rules and regulations of the Division of Water Resources  
and the terms of the said permit; that the priority of the right herein confirmed dates from**

**March 22, 1941;**

**that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed **six hundred fifty (650)**  
gallons per day from about April 1 to about December 1 of each season.**

**This license is based on the use of water made during the year 1943 which was  
the year of maximum use within the three year period preceding the date of in-  
spection; namely, August 20, 1943.**

**The point of diversion of such water is located South, two hundred fifty-five (255)  
feet and west thirty-two hundred seventy-four (3274) feet from the northeast  
corner of Section 4, T. 17 N., R. 10 E., M.D.B. & M., being within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$   
of said Section 4.**

*A description of the lands or the place where such water is put to beneficial use is as follows:*

**Stockwatering within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, T. 17 N.,  
R. 10 E., M.D.B. & M.**

**The Water Commission Act was superseded by the Water Code on August 4, 1943.  
By force of the provisions of the latter all references in this form to the  
Division of Water Resources will be understood to mean the Department of Public  
Works acting by and through the State Engineer.**

*All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from  
time to time by the Division of Water Resources.*

*The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of  
diversion herein specified and to the lands or place of use herein described.*

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*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

FORM 64-A

25813 12-43 500 SPO



*Witness my hand and the seal of the Department of Public Works of the State of California, this 1st day of June, 1944.*

EDWARD HYATT  
State Engineer

By Harold Conkling  
Deputy State Engineer

LICENSE 2663

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO U.S. Tahoe National Forest

DATED June 1, 1944.

10669 2-42 1500 STATE PRINTING OFFICE

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